



BEFORE THE STATE BOARD OF EQUALIZATION
OF THE STATE OF CALIFORNIA

In the Matter of the Appeal of)
HOMESTAKE MINING COMPANY)

Appearances:

For Appellant: **Garret W. McEnerney** of San Francisco

For Respondent: **A. A. Manship**, Franchise Tax Commissioner

Q P I N I O N

This is an appeal under Section 25 of the 'Bank and Corporation Franchise Tax Act (Chapter 13, Statutes of 1929) from the action of the Franchise Tax Commissioner in overruling the protest of Homestake Mining Company against a proposed assessment of an additional tax of \$4,675.05 based upon the return of said corporation for the year ended December 31, 1929.

The sole point involved in this appeal is the question of the constitutionality of the requirements of the act that income from all sources (including that derived from tax exempt federal, state and municipal bonds and securities), be used in the calculation of the tax. In view of the recent decision of the Supreme Court of this state in the case of The Pacific Company, Ltd. v. Johnson, 81 Cal. Dec. 519, holding the act constitutional as against a similar objection we believe that the action of the Commissioner must be sustained.

ORDER

Pursuant to the views expressed in the opinion of the Board on file in this proceeding, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the action of the Franchise Tax Commissioner in overruling the protest of Homestake Mining Company, a corporation, against a proposed assessment of an additional tax of \$4,675.05, based upon the net income of said corporation for the year ended December 31, 1929, as returned under Chapter 13, Statutes of 1929, be and the same is hereby sustained,

Done at Sacramento, California, this 15th day of May, 1931
by the State Board of Equalization.

Jno. C. Corbett, Chairman
H. G. Cattell, Member
R. E. Collins, Member
Fred E. Stewart, Member

ATTEST: Dixwell L. Pierce, Secretary